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10/777,634	02/13/2004	Timothy Patrick Jon Perry	52493.000368	5377
21967 7590 10/05/2010 HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109				
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PHONGSVIRAJATI, POONSIN				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/777,634

**Applicant(s)**

PERRY ET AL.

**Examiner**

SIND PHONGSVIRAJATI

**Art Unit**

3686

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 20100806, 20100505, 20100407, 20100312

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/09/2010 has been entered.

### ***Status of Claims***

1. In response to communications filed on 03/09/2010, claims 1, 12, and 18 are currently amended. Claims 1-20 are pending.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 18-20 is rejected under 35 U.S.C. 101 because the USPTO recognizes that applicants may have claims directed to computer readable media that cover signals per se, which the USPTO must reject under 35 U.S.C. § 101 as covering both non-statutory subject matter and statutory subject matter. In an effort to assist the patent community in overcoming a rejection or potential rejection under 35 U.S.C. § 101 in this situation, the USPTO suggests the following approach. A claim drawn to such a

computer readable medium that covers both transitory and non-transitory embodiments may be amended to narrow the claim to cover only statutory embodiments to avoid a rejection under 35 U.S.C. § 101 by adding the limitation "non-transitory" to the claim. C.J. Animals - Patentability, 1 077 0 ) Gaz. Pat. Office 24 (April 2 1, 1 987) (suggesting that applicants add the limitation "non-human" to a claim covering a multicellular organism to avoid a rejection under 35 U.S.C. § 101). Such an amendment would typically not raise the issue of new matter, even when the specification is silent because the broadest reasonable interpretation relies on the ordinary and customary meaning that includes signals per se. The limited situations in which such an amendment could raise issues of new matter occur, for example, when the specification does not support a non-transitory embodiment because a signal per se is the only viable embodiment such that the amended claim is impermissibly broadened beyond the supporting disclosure. See, e.g., Gentry Gallery, Inc. v. Berkline Corp., 1 34 F. 3 d 1473 (Fed. Cir. 1998).

***Claim Rejections - 35 USC § 112 Second Paragraph***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 1 recites the limitations, "the rules engine determines whether each of the at least one data element has been fully validated as clean data", "the rules engine generates an exception task if it is determined that at least one data element is not clean", "the rules engine receives a resolution to the exception task, thereby enabling validation of the at least one data element". All of the above limitations are directed towards method steps of performing the disclosed invention, however, the other limitations establish a structure which infers that claim 1 is an apparatus. It is unclear as to whether claim 1 discloses a method or an apparatus (IPXL Holdings v. Amazon.com, Inc., 430 F.2d 1377, 1384, 77 USPQ2d 1140, 1145 (Fed. Cir. 2005)(MPEP 2173.05(p))). Claims 2-9 fail to cure the deficiencies of claim 1 and incorporate the same rejection and reasoning as claim 1.

4. Claim 10 recites the limitations, "the rules engine determines whether each of the at least one data element has been fully validated as clean data", "the state machine generates workflow tasks to enable case progression through the system", "the state machine receives responses to said workflow tasks", and "the state machine determines case progression based upon said responses" All of the above limitations are directed towards method steps of performing the disclosed invention, however, the other limitations establish a structure which infers that claim 1 is an apparatus. It is unclear as to whether claim 1 discloses a method or an apparatus (IPXL Holdings v. Amazon.com, Inc., 430 F.2d 1377, 1384, 77 USPQ2d 1140, 1145 (Fed. Cir. 2005)(MPEP

2173.05(p))). Claim 11 fail to cure the deficiencies of claim 10 and incorporate the same rejection and reasoning as claim 10.

In other words, an apparatus claim that recites method steps are considered to be indefinite under 112(2) since it is unclear to what statutory category, process or machine, the claim falls under. Such claims *may* also be rejected under 35 U.S.C. 101 based on the theory that the claim is directed to neither a "process" nor a "machine," but rather embraces or overlaps two different statutory classes of invention set forth in 35 U.S.C. 101 which is drafted so as to set forth the statutory classes of invention in the alternative only. *Id.* at 1551.

5. To overcome this rejection, Examiner suggest Applicant modify the claim language to recite the claim elements being modified by functional language. For example: --a raw database **for** electronically storing insurance application related documents;--, --a rules engine **configured to** determine whether each of the at least one data element has been fully validated as clean data--, etc. Applicant is welcome to call the Examiner for additional clarification.

***Claim Rejections - 35 USC § 112, Fourth Paragraph***

1. The following is a quotation of that portion of 35 U.S.C. 112 which forms the basis for rejections made under this section in this Office action:

A claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed.

2. Claim 20 is rejected under 35 U.S.C. 112, fourth paragraph, as being of improper dependent form for failing to further limit the subject matter of a previous claim.

The test as to whether a claim is a proper dependent claim is that it shall include every limitation of the claim from which it depends (35 U.S.C. 112, fourth paragraph), or, in other words, that it shall not conceivably be infringed by anything which would not also infringe the basic claim.

When, as here, the independent claim 19 recites a computer readable medium, a dependent claim, namely, claim 20, recites the system of claim 19. Claim 20 recites, "the system of claim 19", however, claim 19 does not recite a system, rather, claim 19 recites a computer readable medium. See MPEP § 608.01(n)(III).

Applicant is required to cancel the claim(s), amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1, 3-12, 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 5,235,654) in view of Scanlon (US 5,850,480).

4. As to **Claim 1**, Anderson teaches a system for routing and processing insurance related data (Anderson, Abstract and col. 8 lines 44-52), the system comprising:

- a. a raw data database electronically storing insurance application related documents (Anderson, col. 3 line 63 to col. 4 line 19, the Examiner takes the position that the master machine generated data structure is equivalent to the raw data database);
- b. a rules engine that converts the documents into at least one data element having a common format (Anderson, Fig. 4A, Fig. 7A-7E, col. 21 lines 25 to col. 22 line 13);
- c. the clean data is stored in an operational database for use in application processing (Anderson, col. 3 lines 24-33, col. 33 lines 50-66);
- d. the rules engine generates an exception task if it is determined that at least one data element is not clean, the rules engine generates an exception task constituted by the rules engine determining a process that is to be performed on



the at least one data element that is not clean (Anderson, col. 6 lines 56-63, col. 27 lines 3-8); and

e. the rules engine receives a resolution to the exception task, upon the performance of the determined process, thereby enabling validation of the at least one data element (Anderson, col. 7 lines 2-13).

Anderson does not specifically disclose the rules engine determining whether each of the at least one data element has been fully validated as clean data. Scanlon does teach the rules engine determining whether each of the at least one data element has been fully validated as clean data (Scanlon, Figs. 3 and 7E, col. 31 lines 42-48 and col. 33 lines 16-31). It would have been obvious to one of ordinary skill in the art at the time of the invention to have included fully validating each data element as clean data for the motivation for OCR error correction (Scanlon, Abstract).

5. As to **Claim 3**, Anderson teaches the system of claim 1, further comprising: a state machine that monitors clean data in the operational database and rules engine outputs (Anderson, col. 11 lines 59-68), wherein the state machine generates workflow tasks to enable case progression through the system, the tasks based upon said clean data and rules engine outputs (Anderson, Fig. 4A), wherein the state machine receives responses to said workflow tasks (Anderson, col. 12 lines 1-11), and wherein the state machine determines case progression based upon said responses (Anderson, col. 12 lines 17-49 and Fig. 4B).

6. As to **Claim 4**, Anderson teaches the system of claim 1, further comprising: a state machine that monitors data converted by the rules engine (Anderson, col. 12 lines 54-65), wherein the state machine generates data tasks to enable data verification (Anderson, Fig. 4C), wherein the state machine receives responses to said data tasks (Anderson, Fig. 4C step 204), and wherein the state machine verifies data for forwarding to the operational database based upon said responses (Anderson, col. 32 lines 49-67).
7. As to **Claim 5**, Anderson teaches the system of claim 1, wherein application-related documents include electronic documents and paper documents (Anderson, col. 3 lines 34-41 and col. 4 lines 13-14).
8. As to **Claim 6**, Anderson teaches the system of claim 1, wherein the documents of a first type are stored in a first raw data database and documents of a second type are stored in a second raw data database (Anderson, Fig. 1R element 35).
9. As to **Claim 7**, Anderson teaches the system of claim 1, wherein the exception task instructs a person to perform a task to resolve the exception (Anderson, Fig. 1R element 32, col. 33 lines 8-22).
10. As to **Claim 8**, Anderson teaches the system of claim 1, wherein the exception task instructs an automated process to perform a task to resolve the exception (Anderson, Fig. 1R element 32, col. 32 lines 55-67).
11. As to **Claim 9**, Anderson teaches the system of claim 1, further comprising: the rules engine determines if additional information is required to validate a data element

(Anderson, col. 7 lines 5-43, col. 33 lines 8-22); and the rules engine generating an exception task to obtain the additional information (Anderson, col. 6 lines 56-63).

12. As to **Claim 10**, Anderson teaches a system for routing and processing insurance related data (Anderson, Abstract and col. 8 lines 44-52), the system comprising: a raw data database electronically storing insurance application related documents (Anderson, col. 3 line 63 to col. 4 line 19, the Examiner takes the position that the master machine generated data structure is equivalent to the raw data database); a rules engine that converts the documents into at least one data element having a common format (Anderson, Fig. 4A steps 602-606); the clean data is stored in an operational database for use in application processing (Anderson, col. 3 lines 24-33); a state machine that monitors clean data in the operational database and rules engine outputs (Anderson, col. 11 lines 59-68), wherein the state machine generates workflow tasks to enable case progression through the system, the tasks based upon said clean data and rules engine outputs (Anderson, Fig. 4A), wherein the state machine receives responses to said workflow tasks (Anderson, col. 12 lines 1-11), and wherein the state machine determines case progression based upon said responses (Anderson, col. 12 lines 17-49 and Fig. 4B).

Anderson does not specifically disclose the rules engine determining whether each of the at least one data element has been fully validated as clean data including; determining that syntax is correct; determining that required information is present; and determining that formatting is proper. Scanlon does teach the rules engine determining

whether each of the at least one data element has been fully validated as clean data (col. 31 lines 42-48 and col. 33 lines 16-31) including; determining that syntax is correct (col. 25 lines 57-64); and determining that formatting is proper (col. 3 lines 60-67, col. 25 lines 57-64). It would have been obvious to one of ordinary skill in the art at the time of the invention to have included fully validating each data element as clean data for the motivation for OCR error correction (Scanlon, Abstract).

The combination of Anderson and Scanlon does not specifically disclose wherein such validation including determining that required information is present. However, the Examiner takes official notice that it is well known in the art to determine whether required information is present. For example, most forms such as contact information will not be entered into a system until all the required information is present in order to submit said contact information into the system. It would have been obvious to one of ordinary skill in the art at the time of the invention to include determine whether required information is present within the disclosure of Anderson and Scanlon for the motivation for completing forms to be filled out.

13. As to **Claim 11**, Anderson teaches the system of claim 10, wherein the rules engine generates an exception task if it is determined that at least one data element is not clean (Anderson, col. 6 lines 56-63); and the rules engine receives a resolution to the exception task, thereby enabling validation of the at least one data element (Anderson, col. 7 lines 2-13).

14. As to **Claim 12**, Anderson teaches a method for routing and processing insurance related data, the method performed by a tangibly embodied computational device, the method comprising:

- a. receiving, by the computational device, insurance application-related documents from external sources (Anderson, col. 3 lines 34-56),
- b. storing, by the computational device, the documents electronically in a raw data database (Anderson, col. 3 line 63 to col. 4 line 19, the Examiner takes the position that the master machine generated data structure is equivalent to the raw data database);
- c. converting, by a rules engine in the computational device, the documents into at least one data element having a common format (Anderson, Fig. 4A steps 602-606);
- d. storing, by the computational device, clean data in an operational database for use in application processing (Anderson, col. 3 lines 24-33);
- e. generating, by the computational device, an exception task if it is determined that at least one data element is not clean (Anderson, col. 6 lines 56-63); and
- f. receiving, by the computational device, a resolution to the exception task, thereby enabling validation of the at least one data element (Anderson, col. 7 lines 2-13).

Anderson does not specifically disclose the rules engine determining whether each of the at least one data element has been fully validated as clean data. Scanlon does teach the rules engine determining whether each of the at least one data element has been fully validated as clean data (col. 31 lines 42-48 and col. 33 lines 16-31). It would have been obvious to one of ordinary skill in the art at the time of the invention to have included fully validating each data element as clean data for the motivation for OCR error correction (Scanlon, Abstract).

As to **Claim 14**, Anderson teaches the method of claim 12, further comprising: monitoring clean data in the operational database and rules engine outputs (Anderson, col. 11 lines 59-68), generating workflow tasks to enable case progression through the system, the tasks based upon said clean data and rules engine outputs (Anderson, Fig. 4A), receiving responses to said workflow tasks (Anderson, col. 12 lines 1-11), and determining case progression based upon said responses (Anderson, col. 12 lines 17-49 and Fig. 4B).

15. As to **Claim 15**, Anderson teaches the method of claim 12, wherein the exception task instructs a person to perform a task to resolve the exception (Anderson, Fig. 4C).

16. As to **Claim 16**, Anderson teaches the method of claim 12, wherein the exception task instructs an automated process to perform a task to resolve the exception (Anderson, col. 7 lines 14-20 and see section "Sequential repair of character recognition errors").

17. As to **Claim 17**, Anderson teaches the method of claim 12, further comprising: determining if additional information is required to validate a data element (Anderson, col. 7 lines 5-43, col. 33 lines 8-22); and generating an exception task to obtain the additional information (Anderson, col. 6 lines 56-63).

18. As to **Claim 18**, Anderson teaches a computer-readable medium incorporating instructions for routing and processing insurance related data (Anderson, Abstract and col. 8 lines 44-52), comprising: one or more instructions for receiving insurance application-related documents from external sources (Anderson, col. 3 lines 34-56), one or more instructions for storing the documents electronically in a raw data database (Anderson, col. 3 line 63 to col. 4 line 19); one or more instructions for converting, by a rules engine, the documents into at least one data element having a common format (Anderson, Fig. 4A steps 602-606); one or more instructions for determining whether each of the at least one data element has been fully validated as clean data (Anderson, col. 3 lines 24-33); one or more instructions for storing clean data in an operational database for use in application processing (Anderson, col. 3 lines 24-33); one or more instructions for generating an exception task if it is determined that at least one data element is not clean (Anderson, col. 6 lines 56-63); and one or more instructions for receiving a resolution to the exception task, thereby enabling validation of the at least one data element (Anderson, col. 7 lines 2-13).

19. As to **Claim 19**, Anderson teaches a computer-readable medium incorporating instructions for routing and processing insurance related data (Anderson, Abstract and

col. 8 lines 44-52), comprising: one or more instructions for receiving insurance application-related documents from external sources (Anderson, col. 3 lines 34-56), one or more instructions for storing the documents electronically in a raw data database (Anderson, col. 3 line 63 to col. 4 line 19); one or more instructions for converting, by a rules engine, the documents into at least one data element having a common format (Anderson, Fig. 4A steps 602-606); one or more instructions for determining whether each of the at least one data element has been fully validated as clean data (Anderson, col. 3 lines 24-33); one or more instructions for storing clean data in an operational database for use in application processing (Anderson, col. 3 lines 24-33); one or more instructions for monitoring clean data in the operational database and rules engine outputs (Anderson, col. 11 lines 59-68), one or more instructions for generating workflow tasks to enable case progression through the system, the tasks based upon said clean data and rules engine outputs (Anderson, Fig. 4A), one or more instructions for receiving responses to said workflow tasks (Anderson, col. 12 lines 1-11), and one or more instructions for determining case progression based upon said responses (Anderson, col. 12 lines 17-49 and Fig. 4B).

20. As to **Claim 20**, Anderson teaches the system of claim 19, further comprising: one or more instructions for generating an exception task if it is determined that at least one data element is not clean (Anderson, col. 6 lines 56-63); and one or more instructions for receiving a resolution to the exception task, thereby enabling validation of the at least one data element (Anderson, col. 7 lines 2-13).



21. Claims 2 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 5,235,654) in view of in view of Scanlon (US 5,850,480) in further view of Applicant Admitted Prior Art (AAPA).

22. As to **Claims 2 and 13**, the combination of Anderson and Scanlon does not specifically disclose that the common format is extensible Markup Language. However, it is well known to those of ordinary skill in the art, that, the coded data in the application program storage database Anderson discloses (Anderson, Fig. 1R element 35) can be structured using any number of general-purpose database storage methodologies, including a XML markup language. Applicant is failed to adequately traverse Examiner's taking of official notice as required by MPEP 2144.03(C) and the said official notice will be taken as Applicant Admitted Prior Art.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to include storing the data elements and attributes inside an XML document, as is well known to do, in order to organize the folders, tables, fields, and retrieved data elements of Anderson's invention (Anderson, col. 35 line 65 to col. 36 line 28), since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

### ***Response to Arguments***

6. Applicant's arguments filed 03/09/2010 have been fully considered but they are not persuasive.

As to Applicant's argument to the 112(2) paragraph rejection, Applicant states:

Applicant appreciates the Examiner's suggestions and comments. However, Applicant maintains that claim 1 sets forth various components of the claimed system, as well as processing that is performed by such components. As to *IPXL Holdings*, Applicant respectfully submits that claim 1 does not recite both a system and a method of using that system so as to be deficient under 35 U.S.C. 112. In short, Applicant respectfully submits that the nature of the claims are more akin to claim 1 of U.S. Patent 6,149,055 (as discussed in the *IPXL Holdings* decision) as opposed to the indefinite claim 25.

Further, Applicant respectfully submits that the Examiner's proposal as set forth in paragraph 5 (excerpted above) essentially invokes 35 U.S.C. 112, sixth paragraph, and/or an interpretation of "intended use." Applicant submits that the present claim language of claim 1 positively sets forth the processing that is performed by the processing components, in contrast to such invoking of 35 U.S.C. 112, sixth paragraph, and/or "intended use."

Examiner respectfully disagrees. In short, using Applicant's example of the claim language in U.S. Patent 6,149,055, the claim language recites the claim elements being modified by functional language. For example, "an input mechanism **for** providing input to the processor", "the processor causing the **display to display** on a single screen stored transaction information". Applicant's example is proving Examiner's point, if Applicant were to use similar language as stated in the previous office action and Applicant's example, the 112(2) paragraph rejection would be removed. As for

Applicant's argument that correcting the claim language rejected under 112(2) would be a form of intended use, Examiner respectfully disagrees. If the suggested language were implemented, the functional language proceeding the claim element would have to be given patentable weight since all of the proceeding limitations refer to additionally modifies or refers back to the functional language.

Additionally, Examiner would like to point out that this particular 112(2) paragraph rejection was affirmed by the 101 panel, a business specialist panel comprising three supervisory Primary Examiners, on 5/8/09 as listed in the previous search notes.

As to Applicant's argument to the 103 rejection, Applicant alleges:

Applicant maintains that it is unclear what the Office Action interprets as teaching the claimed "exception task."

However, as explicitly stated in the previous office action, Examiner states:

therefore, Examiner applies the broadest reasonable interpretation as to the functionality of the "exception task" in view of the claim language. It is interpreted that

the limitation recites a task being generated by a rules engine if it is determined that at least one data element is not clean.

(Final Office Action, dated 11/09/2009)

Anderson has specifically disclose throughout his entire publication that the artificial intelligence processor analyzes the data to determine if the character string text contains errors and then creates a process to repair the errors in the character string.

Applicant then alleges:

Applicant notes that Anderson describes:

... In performing the character recognition process, the resultant coded data may contain errors which are analyzed by the artificial intelligence error correction processor 28, also shown in FIG. 1. The sequence of forms recognition and field extraction, yields the MGDS 50A, as is shown in FIG. 1A. The MGDS 50A is then transferred to the character recognition processor 26, along with the extracted field images 10". ...

(emphasis added)

However, from such disclosure, it is unclear what would constitute the claimed "exception task."

Therein, for example, Anderson describes the "resultant coded data may contain errors which are analyzed by the artificial intelligence error correction processor 28..." However, such described analyzing may be performed in any of a wide variety of manners. Such described analysis of Anderson clearly fails to fairly teach the claimed "exception task" - so as to support the 35 U.S.C. 103 rejection.

The limited citation provided by the Applicant would be unclear since Applicant did not provide the entire citation Examiner has provided in the previous office action. As stated above, Anderson has specifically disclose throughout his entire publication that the artificial intelligence processor analyzes the data to determine if the character string text contains errors (col. 6 lines 56-63) and creates a process to repair the errors in the text (col. 27 lines 3-8).

Applicant continues to argue:

In response, Applicant acknowledges that the claimed features are open to the broadest reasonable interpretation. However, Applicant respectfully submits that the above assertions, even taken arguendo as true, fails to support the rejection. That is, a "task being generated by a rules engine if it is determined that at least one data element is not clean" falls short of teaching the claimed invention - in that such is not associated with a received "resolution" as recited in claim 1.

Again, Examiner respectfully disagrees. The entire disclosure of Anderson is to make corrections (reads on "received resolution") to text that contains errors (reads on "at least one data element is not clean"). Examiner submits it is readily apparent that the error correction task being generated by the application if the text contains errors is associated with making corrections to those errors.

Applicant continues to argue:

As can be clearly appreciated, such parameters of Anderson vis-à-vis Scanlon are fundamentally different in nature. As a result, Applicant submits that it is a clear mischaracterization of the teachings (of the applied art) to interpret such parameters as

constituting the claimed data element. Indeed, it is fully unclear how the described manipulation of Anderson's "character" or "character position" would be combined with the described manipulation of Scanlon's "sub-string table", i.e., so as to be workable in any manner. Indeed, Applicant submits that to talk of such respective parameters of Anderson and Scanlon as akin (to each other) is noncasual.

Examiner respectfully disagrees. Throughout the teaching of Anderson, Anderson teaches that the character string must be considered in the character text and the character position in order to make corrections to the character string. All possible character strings are considered when making an error correction (please see Anderson, col. 23 lines 57-60, col. 25 lines 14-35, col. 26 lines 22-60, col. 27 lines 7-16, 43-65, etc). Scanlon, very similarly, also uses the character string and evaluates all possible character strings in making OCR error corrections through contextual comparison analysis. Examiner reaffirms that it would have been obvious for one of ordinary skill in the art at the time of the invention to have modify the teachings of Anderson to incorporate the features of Scanlon for at least the motivation reason given in claim 1.

***Conclusion***

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SIND PHONGSVIRAJATI whose telephone number is (571) 270-5398. The examiner can normally be reached on Monday - Thursday 8:00am-5:00pm (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on (571) 272-6787. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

/S. P./

Examiner, Art Unit 3686

14 September 2010

/Gerald J. O'Connor/  
Supervisory Patent Examiner  
Group Art Unit 3686